



June 10, 2019

BY ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Mark Nordlicht, et al.*, No. 1:16-cr-00640-BMC

Dear Judge Cogan:

Accept this correspondence, respectfully submitted in response to the Government's letter received earlier this afternoon. While the Government's request and this response might seem apparently moot, given that undersigned sent the government its intended order of witnesses for Tuesday (prior to an Order being issued); there might still be scheduling conflicts the Court should be made aware of.


In the event Mr. Nordlicht's case was to proceed last Friday, the Government requested a two-witness notice, such request was timely satisfied. At the close of the day on Friday, the Government requested, and your Honor instructed the defense to supply an expanded witness

list, and again, that request was timely provided to the Government on Friday evening. Also, during the end of the day Friday, Mr. Sommer placed the Government on notice, and your Honor agreed that to the extent there was a gap in Mr. Nordlicht's case, the Government should be ready to make both agents available to the defense. This point was further confirmed over the weekend between team Levy and the Government. Suddenly over the weekend, the defense was informed that Agent Amato was only available from 9:30am-12:30pm on Tuesday, and Inspector Jordan, not at all.

The Defense has not only provided an abundance of witnesses, but the order of the same. However, with the observance of the Jewish Holiday, in the abundance of caution, the defendants seek to have the Court enter an order making both Agent Amato, and Inspector Jordan available *all-day* Tuesday, not only in the limited time frame the Government proposes.

In terms of the Government's position that it "expects to rest early tomorrow morning." It is our position that the Government rested on Friday, and hereby adopt team Levy's submission. Further, undersigned requests an Order be entered that any cites in Government's submission from last night opposing our Rule 29 and other motions; to evidence that is NOT in the record, be excluded.

Respectfully submitted,



Jose Baez, Esq.

Cc: All Counsel of Record (via CM/ECF)